

COUNTY OF FAIRFAX, VIRGINIA

VARIANCE RESOLUTION OF THE BOARD OF ZONING APPEALS

GUIMAR E. CORDOVA, VC 2013-MA-005 Appl. under Sect(s). 18-401 of the Zoning Ordinance to permit construction of addition 10.34 ft. from front lot line and accessory storage structure greater than 200 sq. ft. in size. **(THE APPLICANT WITHDREW THE REQUEST FOR THE ACCESSORY STORAGE STRUCTURE.)** Located at 3711 Munson Rd., Falls Church, 22041, on approx. 10,768 sq. ft. of land zoned R-3. Mason District. Tax Map 61-4 ((22)) 6. (Decision deferred from 7/31/13.) Mr. Byers moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on September 18, 2013; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the land.
2. The present zoning is R-3.
3. The area of the lot is 10,768 square feet.
4. The required standards for a variance that this application satisfies, the subject property was acquired in good faith, under 2 was exceptionally narrow at the time of the effective date of the Ordinance.
5. There was exceptional shape at the effective date of the Ordinance.
6. There is an extraordinary situation or condition of the subject property.
7. Under 6, which are the most strict criteria, 6A and 6B, the strict application of the Zoning Ordinance would effectively prohibit or unreasonably restrict the use of the subject property.
8. This property was originally built in 1925.
9. There is one building permit from the standpoint of an addition, but it is still only 518 square feet, 506 or 518 square feet, which is very small.
10. This is something that would make it a livable home.
11. The current setback on Lewis Lane would not be increased.
12. The applicant is proposing to keep the same line of setback for the proposed addition.
13. The granting of the variance will alleviate a clearly demonstrable hardship as distinguished from a special privilege or convenience.
14. The variance will be in harmony with the intended spirit and purpose of the Ordinance and will not be contrary to the public interest.
15. In the staff report, it is noted that this mixes well with the eclectic nature of the surrounding properties.

This application meets all of the following Required Standards for Variances in Section 18-404 of the Zoning Ordinance:

1. That the subject property was acquired in good faith.
2. That the subject property has at least one of the following characteristics:
 - A. Exceptional narrowness at the time of the effective date of the Ordinance;
 - B. Exceptional shallowness at the time of the effective date of the Ordinance;
 - C. Exceptional size at the time of the effective date of the Ordinance;
 - D. Exceptional shape at the time of the effective date of the Ordinance;
 - E. Exceptional topographic conditions;
 - F. An extraordinary situation or condition of the subject property, or
 - G. An extraordinary situation or condition of the use or development of property immediately adjacent to the subject property.
3. That the condition or situation of the subject property or the intended use of the subject property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted by the Board of Supervisors as an amendment to the Zoning Ordinance.
4. That the strict application of this Ordinance would produce undue hardship.
5. That such undue hardship is not shared generally by other properties in the same zoning district and the same vicinity.
6. That:
 - A. The strict application of the Zoning Ordinance would effectively prohibit or unreasonably restrict all reasonable use of the subject property, or
 - B. The granting of a variance will alleviate a clearly demonstrable hardship as distinguished from a special privilege or convenience sought by the applicant.
7. That authorization of the variance will not be of substantial detriment to adjacent property.
8. That the character of the zoning district will not be changed by the granting of the variance.
9. That the variance will be in harmony with the intended spirit and purpose of this Ordinance and will not be contrary to the public interest.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has satisfied the Board that physical conditions as listed above exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of reasonable use of the land and/or buildings involved.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

1. This variance is approved for the maximum size and location within the building envelope of the addition, as shown on the plat prepared by Landplan Associates, Inc., dated August 20, 2013, signed by Mirali Mirtaghavi, Professional Engineer, as submitted with this application and is not transferable to other land.

2. All applicable building permits and final inspections shall be obtained for the addition and accessory storage structure.
3. The addition shall be generally consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards including requirements for building permits.

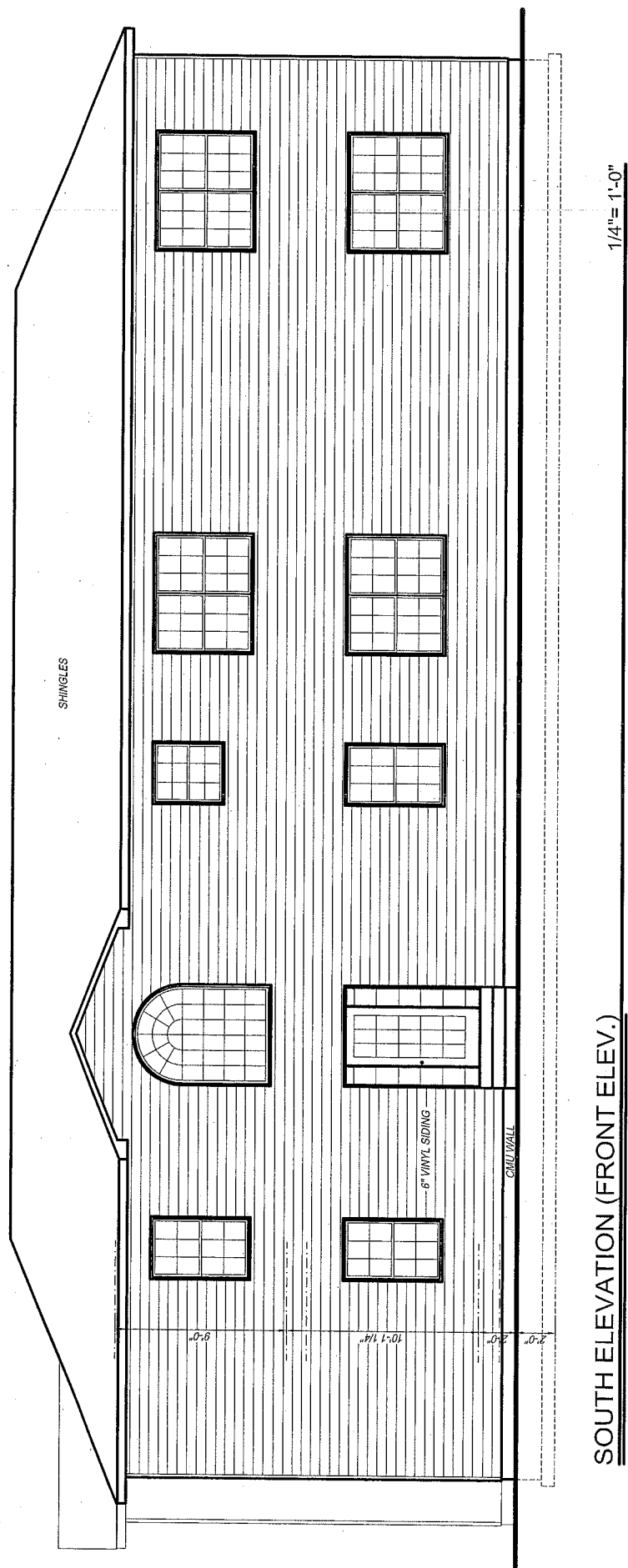
Pursuant to Sect. 18-407 of the Zoning Ordinance, this variance shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the variance. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Mr. Hammack seconded the motion, which carried by a vote of 7-0.

A Copy Teste:



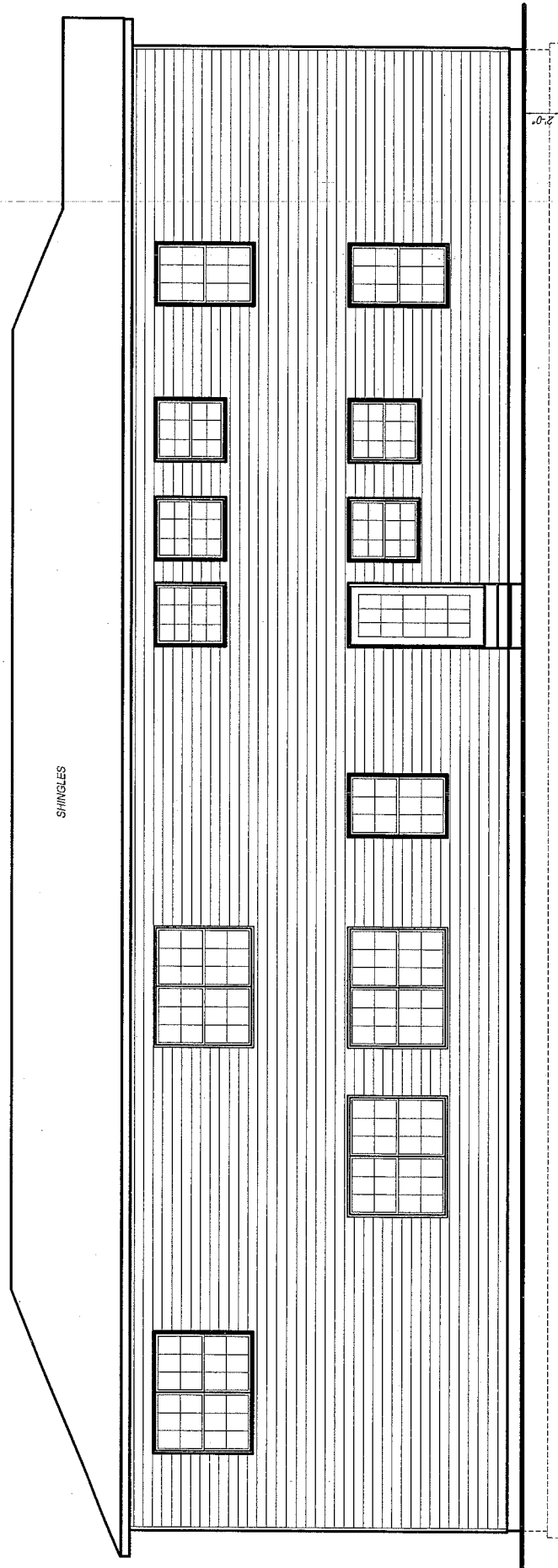
Kathleen A. Knoth
Clerk to the Board of Zoning Appeals



SOUTH ELEVATION (FRONT ELEV.)

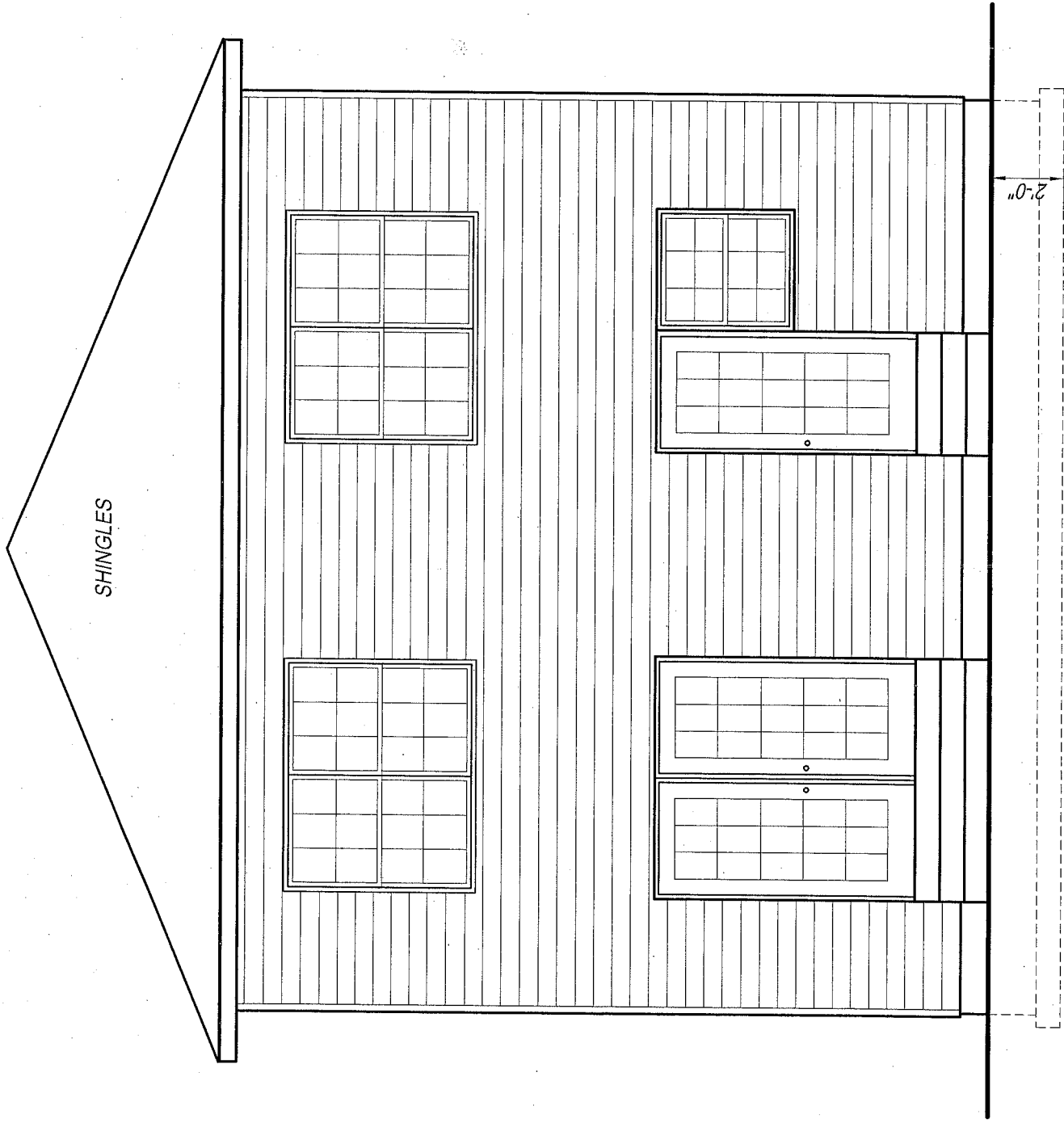
1/4" = 1'-0"

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Department of Planning & Zoning
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Zoning Evaluation Division



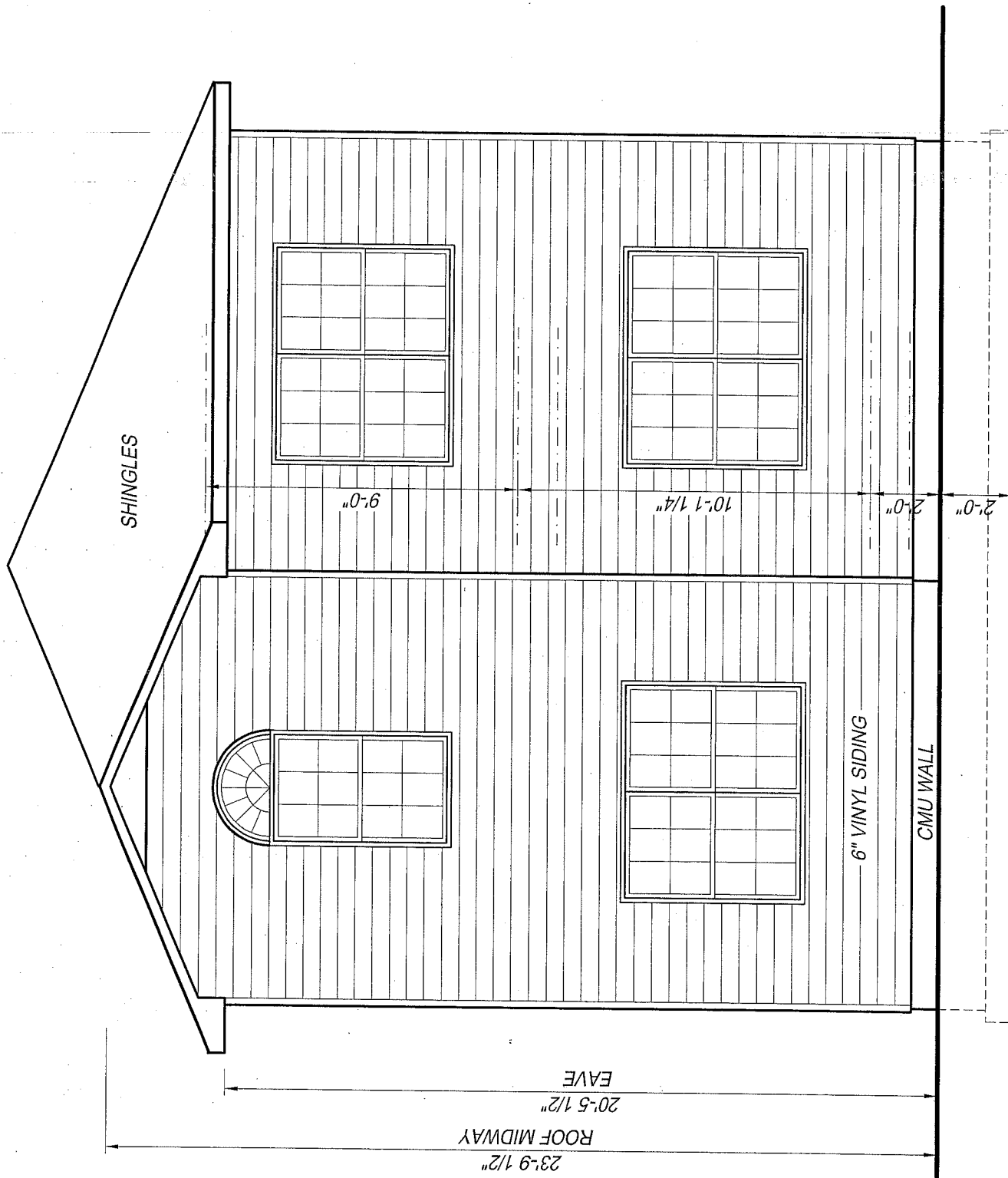
NORTH ELEVATION

1/4"= 1'-0"



EAST ELEVATION

1/4" = 1'-0"



WEST ELEVATION

1/4" = 1'-0"